

Serial No.: 09/766,677  
Atty. Docket No.: P66217US0

**REMARKS**

The Office Action mailed October 9, 2003, has been carefully reviewed and Applicant notes with appreciation the identification of allowable subject matter.

By this Amendment, claims 31-70 have been canceled, claims 1-30 have been amended, and new claims 71-100 have been added. Accordingly, claims 1-30 and 71-100 are pending in the application. In view of the new claims and the following remarks, favorable reconsideration of this application is respectfully requested.

Applicant has corrected informalities noted in the specification upon review. Informalities in the abstract have also been corrected, with a replacement abstract being submitted herewith on a separate sheet.

The Examiner required restriction of the present invention, stating that claims 1-30 (Group I), drawn to a process of producing an acoustic surface wave, and claims 31-70 (Group II), drawn to a device for producing an acoustic surface device, are directed to two distinct inventions. By telephone conversation with Harvey B. Jacobson, Jr. on September 30, 2003, Applicant made a provisional election with traverse to prosecute the invention of Group I, claims 1-30. Applicant hereby confirms the election of Group I, and has withdrawn the traverse.

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The Examiner rejected claims 1-3, 6-8, 10-14, 17, 25 and 27-30 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,010,316 to Haller et al. In addition, the Examiner rejected claims 1-3, 6-8, 10-15, 17 and 25-30 as being anticipated by U.S. Patent No. 5,006,749 to White. Under 35 U.S.C. 103(a), the Examiner rejected claims 18-24 as being unpatentable over White in view of U.S. Patent No. 5,674,742 to Northrup et al.

The Examiner objected to claims 4, 5, 9 and 16 as being dependent on a rejected base claim, but stated that claims 4, 5, 9 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicant has amended claim 1 to substantially include the limitations of claims 3 and 4 and, therefore, claim 1 is in condition for allowance in accordance with the Examiner's identification of allowable subject matter and stated reasons therefor. New claim 71 is also in condition for allowance for the same reasons, substantially presenting the subject matter of claims 1-4. Claims 4, 6-8 and 10-30 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

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New claims 72, 73 and 75 represent the subject matter of claims 5, 9 and 16, respectively, rewritten in independent form and are thus in condition for allowance in accordance with the Examiner's identification of allowable subject matter. Claims 74 and 76-100 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

Finally, Applicant notes as a matter of formality that one of the PTO-1449 Forms provided with the current Office Action, while bearing the serial number of the present invention, is directed to another application (Applicant: Winkelmann).

With this Amendment, the application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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